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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,127	01/16/2004	Jae Koog An	1594.1277	5013
21171	7590	03/03/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/758,127		AN, JAE KOOG	
	<b>Examiner</b>		<b>Art Unit</b>	
	Noah C. Hawk		3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: ____.                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/16/04</u> .                                                             | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 6-11, 15, 16, and 18-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites the limitation "the north pole" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 6 recites the limitation "the body" and "the door" in lines 3 and 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 15 recites the limitation "the south pole" and "the north pole." There is insufficient antecedent basis for this limitation in the claim. Claim 16 recites the limitation "the north pole" and "the south pole." There is insufficient antecedent basis for this limitation in the

claim. Claim 18 recites the limitation "the storage chamber" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 21 recites the limitation "the south pole" and "the north pole." There is insufficient antecedent basis for this limitation in the claim. Claim 22 recites the limitation "the north pole" and "the south pole." There is insufficient antecedent basis for this limitation in the claim. Claim 24 recites the limitation "the storage chamber" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 27 recites the limitation "the south pole" and "the north pole." There is insufficient antecedent basis for this limitation in the claim. Claim 28 recites the limitation "the north pole" and "the south pole." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Keil et al. in US Patent 4732432.

a. Regarding Claims 1-5, Keil et al. discloses a refrigerator (10) comprising a door (18) attached to a body (12) of a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and which selectively opens and closes a storage chamber (14), a gasket (90)

along an inside surface of the door which maintains airtightness of the storage chamber, a first magnet (92) in the gasket, a second magnet (41) inside a front of the body to face the first magnet and at least one metallic plate shield member (36, see Keil et al., column 3, lines 35-38, "the frame... is of steel") blocking surfaces of the second magnet not facing the first magnet and blocking the north pole of the magnet (Best seen in Keil et al., Figure 2).

b. Regarding Claims 6-11, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36, see Keil et al., column 3, lines 35-38, "the frame... is of steel") blocking surfaces of the second magnet not facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet.

c. Regarding Claims 12-17, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion

66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36, see Keil et al., column 3, lines 35-38, "the frame... is of steel") blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo et al. in US Patent 6327867 in view of Keil et al.

d. Regarding Claims 18-23, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including

the magnets and a shield member. Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36, see Keil et al., column 3, lines 35-38, "the frame... is of steel") blocking surfaces of the second magnet not facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device.

e. Regarding Claims 24-29, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including the magnets and a shield member. Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil

et al., Column 4, lines 1-2 “made of a resinous plastic and includes a front portion 66”) and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36, see Keil et al., column 3, lines 35-38, “the frame... is of steel”) blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tenhundfeld et al., Korodi, Kesling, Hall, Banicevic et al., Kiel '680, Foley, Johnson et al., Jenkins et al., and Jeziorowski et al., disclose refrigerator



closures. Lee and Tirrell et al. disclose non-magnetic refrigerator bodies. Cargnoni, Merla et al., and Needham et al. disclose magnetic closures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NCH

2/16/06

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